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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF OREGON
7 PORTLAND DIVISION

8 HARVEY N. SALOUM,)
9 Plaintiff,) No. 03:11-cv-00899-HU
10 vs.)
11) ORDER ON IFP APPLICATION, AND
12 ROBIN BOARDMAN and SHELLEY) FINDINGS & RECOMMENDATION
BOARDMAN, a married couple,) ON INITIAL REVIEW
13 Defendants.)
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HUBEL, M.J.:

20 This matter is before the court on the plaintiff's application
21 to proceed *in forma pauperis*, filed July 28, 2011. Dkt. #1. The
22 court finds the plaintiff's application meets the requirements set
23 forth in 28 U.S.C. § 1915(a)(1), showing that the plaintiff is
24 unable to pay the filing fee. Accordingly, the plaintiff's
25 application to proceed *in forma pauperis* is **granted**.

26 Concurrently with his application to proceed *in forma*
27 *pauperis*, the plaintiff filed a Complaint. Dkt. #2. The court now
28 turns to initial review of the Complaint pursuant to 28 U.S.C.

1 § 1915(e)(2)(B), which requires the court to dismiss a case that is
2 frivolous or malicious, fails to state a claim for which relief may
3 be granted, or seeks monetary relief against a defendant who is
4 immune from such relief.

5 In his Complaint, the plaintiff asserts claims against the
6 defendants in connection with criminal complaints, a "stalking
7 order," and testimony provided by the defendants in criminal
8 proceedings against the plaintiff in state court. The plaintiff
9 lists his claims as "LYING IN COURT - SPOILATION OF EVIDENCE -
10 FALSIFYING POLICE REPORTS - WITNESS TAMPERING - DEFAMATION OF
11 CHARACTER - ATTEMPT OF CONSPIRACY." Dkt. #2, § 3.

12 Under Federal Rule of Civil Procedure 8(a), in order to state
13 a claim for relief, a pleading must contain, among other things, "a
14 short and plain statement of the grounds for the court's juris-
15 diction[.]" Fed. R. Civ. P. 8(a). The plaintiff's Complaint
16 contains no such statement, and for good reason. The plaintiff
17 alleges that all of the parties are "residents of the State of
18 Oregon," and all of the events underlying the Complaint took place
19 in Tillamook County, Oregon. Dkt. #2, § 1. Clearly, then the
20 court does not have diversity jurisdiction, which, for purposes of
21 this case, would require that the parties be "citizens of different
22 States[.]" 28 U.S.C. § 1332(a).

23 Further, the plaintiff has raised no claims "arising under the
24 Constitution, laws, or treaties of the United States." 28 U.S.C.
25 § 1331. On the contrary, all of the plaintiff's claims appear to
26 arise under state law. As such, the court also lacks federal
27 question jurisdiction.

1 Because the court lacks subject matter jurisdiction, the
2 Complaint should be dismissed. Further, because the court cannot
3 conceive of any amendment that would cure the jurisdictional
4 defect, the dismissal should be with prejudice.

5 I therefore recommend that this case be **dismissed with**
6 **prejudice** for lack of subject matter jurisdiction. If the
7 plaintiff believes he can, in good faith, state claims against the
8 defendants under state law, he may refile the case in the Circuit
9 Court for the State of Oregon.

10
11 ***SCHEDULING ORDER***

12 These Findings and Recommendations will be referred to a
13 district judge. Objections, if any, are due by **November 14, 2011**.
14 If no objections are filed, then the Findings and Recommendations
15 will go under advisement on that date. Because the defendants have
16 not yet been served with process and have not, therefore, appeared
17 in the case, no responses to objections will be received.

18 IT IS SO ORDERED.

19 Dated this 26th day of October, 2011.

20
21 /s/ Dennis James Hubel
22 Dennis James Hubel
23 Unites States Magistrate Judge
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